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| **Igor Sikorsky**  **Kyiv Polytechnic Institute** | **Emblem of**  **departments (if available)** | **Department of Economic and Administrative Law** |
| **The case law of the European Court of Human Rights**  **Work program of the discipline (Syllabus)** | | |

# Details of the discipline

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| Level of higher education | *First (bachelor)* |
| Branch of knowledge | *08 Law* |
| Specialty | *081 Law* |
| Educational program | *Law* |
| Discipline status | *Normative* |
| Form of study | *full-time (day) / external* |
| Year of preparation, semester | *3 course, spring semester* |
| The scope of discipline | *90 hours, 3 credits* |
| Semester control / control measures | *Test/Modular control work* |
| Lessons schedule | *http://rozklad.kpi.ua/* |
| Language of instruction | *Ukrainian/ English* |
| Information about the course leader / teachers | *Lecturer: Doctor of Law, Professor, Professor of the Department of Economic and Administrative Law, Oleksiy Kravchuk, e-mail:* [*o.kravchuk@kpi.ua*](mailto:o.kravchuk@kpi.ua)  *Seminar: lecturer of the Department of Economic and Administrative Law, Anastasiia Kukharchuk, e-mail: kukharchuk.anastasiia@lll.kpi.ua* |
| Course placement |  |

# The program of discipline

# 1. Description of the discipline, its purpose, subject of study and learning outcomes

The case law of the European Court of Human Rights examines the main approaches to the interpretation by the European Court of Justice of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the Court on certain articles of the Convention on protection. The practical aspects of the application of case law of the European Court of Human Rights in legal practice in Ukraine are studied.

**The main goal** is aimed at deepening such **general competencies** as: Ability to abstract thinking, analysis and synthesis; Ability to act on the basis of ethical considerations (motives); Ability to exercise their rights and responsibilities as a member of society, to realize the values ​​of civil (free democratic) society and the need for its sustainable development, the rule of law, human and civil rights and freedoms in Ukraine; Ability to be aware of equal opportunities and gender issues; Appreciation and respect for diversity and multiculturalism; and **professional competencies**: The ability to respect the honor and dignity of man as the highest social value, understanding of their legal nature; Ability to understand international human rights standards, the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, and the case law of the European Court of Human Rights; Ability to determine appropriate and acceptable for legal analysis facts; Ability to analyze legal issues, form and justify legal positions; Ability to critically and systematically analyze legal phenomena and apply the acquired knowledge in professional activities; Ability to logical, critical and systematic analysis of documents, understanding their legal nature and meaning.

**According to the results of studying the discipline, students should achieve the following program results:**

Determine the persuasiveness of arguments in the process of assessing previously unknown conditions and circumstances

Analyze social processes in the context of the analyzed problem and demonstrate their own vision of ways to solve it

Formulate your own sound judgments based on an analysis of a known problem

Give a brief conclusion on certain factual circumstances (data) with sufficient justification

Evaluate the disadvantages and advantages of arguments by analyzing a known problem

Explain the nature of certain events and processes with an understanding of the professional and social context

To show knowledge and understanding of the basic modern legal doctrines, values ​​and principles of functioning of the national legal system

Demonstrate the necessary knowledge and understanding of the essence and content of basic legal institutions and norms of fundamental branches of law

Explain the nature and content of basic legal phenomena and processes

Apply the acquired knowledge in different legal situations, highlight legally significant facts and form sound legal conclusions

Prepare drafts of the necessary acts of application of law in accordance with the legal conclusion made in different legal situations

Provide advice on possible ways to protect the rights and interests of clients in various legal situations.

**2. Prerequisites and post-requisites of the discipline (place in the structural and logical scheme of education according to the relevant educational program)**

The discipline "Practice of the European Court of Human Rights" is related to such disciplines as Human Rights, International Public Law, European Union Law, and sectoral legal disciplines. Assimilation of the material of the discipline by law students is a necessary prerequisite for the quality of their future performance of their professional tasks related to the activities of the ECHR.

# 3. The content of the discipline

**List of topics**

Topic 1. General characteristics of the ECHR.

Topic 2. Principles of the ECHR.

Topic 3. The right to a fair trial.

Topic 4. The right to liberty and security of person.

Topic 5. The principles of “no punishment without law” and “impossibility to be prosecuted twice for the same violation” in the practice of the ECHR.

Topic 6. Prohibition of torture, inhuman or degrading treatment or punishment in the practice of the ECtHR.

Topic 7. The right to life in the practice of the ECHR.

Topic 8. Freedom of expression, freedom of peaceful assembly in the practice of the ECtHR.

Topic 9. The right to respect for private and family life, housing and correspondence in the practice of the ECtHR.

Topic 10. Protection of property in the practice of the ECHR.

Topic 11. Prohibition of discrimination in the practice of the ECHR.

Topic 12. Drawing up an appeal to the European Court of Human Rights.

# Training materials and resources

**Basic literature:**

1. Convention for the Protection of Human Rights and Fundamental Freedoms. Electronic resource: <https://zakon.rada.gov.ua/laws/show/995_004>

2. The Case-law Guides by theme series presents the Court’s key judgments, organised by theme and with transversal approach:

<https://www.echr.coe.int/Pages/home.aspx?p=caselaw/analysis/guides&c=>

3. Zavgorodniy V.A. Influence of ECtHR practice on legal activity in Ukraine: theoretical, methodological and applied aspects: monograph / V.A. Zavgorodniy. Zavgorodny; Ministry of Internal Affairs of Ukraine, Dnipropetrovsk State University of Internal Affairs. Dnipro: Dnipropetrovsk State University of Internal Affairs, 2020. 535 p.

4. Collection of extracts from the decisions of the European Court of Human Rights, recommended for study in preparation for the written anonymous test within the examination for qualification assessment of judges for suitability for the position, 2018. Electronic resource: http://www.nsj.gov.ua / files / 15296531171517493988% D0% 97% D0% B1% D1% 96% D1% 80% D0% BD% D0% B8% D0% BA% 20% D1% 80% D1% 96% D1% 88% D0% B5 % D0% BD% D1% 8C% 20% D0% 84% D0% A1% D0% 9F% D0% 9B\_30.01.2018% 20% D0% BD% D0% B0% 20% D1% 81% D0% B0% D0 % B9% D1% 82.pdf

**Supporting literature:**

1. Dudash T.I. The case law of the European Court of Human Rights: textbook. manual - К.: Аlеrtа, 2016. - 413 с.

2. Fulei T.I. Application of the case law of the European Court of Human Rights in the administration of justice: Scientific and methodological guide for judges. 2nd type. corrected, supplemented. K., 2015. 208 p.

3. Jurisdiction of the European Court of Human Rights: doctrine and practice / O.V. Bazov; Kiev. nat. Univ. T. Shevchenko, Inst. relations. Kyiv: Istina, 2017. 422 p.

4. Harris, O'Boyle, and Warbrick, Law of the European Convention on Human Rights, 2018.

5. Philip Leach, Taking a Case to the European Court of Human Rights Paperback – Student Edition, 2017

6. William A. Schabas, The European Convention on Human Rights: A Commentary (Oxford Commentaries on International Law), 2017.

**Information resources:**

You can get acquainted with the activities of the ECtHR and its decisions on the website at: https://www.echr.coe.int/.

The Case-law Guides by theme series presents the Court’s key judgments, organized by theme and with transversal approach:

https://www.echr.coe.int/Pages/home.aspx?p=caselaw/analysis/guides&c=

Collection of extracts from the decisions of the European Court of Human Rights, recommended for study in preparation for the written anonymous test within the examination for the qualification assessment of judges for suitability for the position, 2018: http://www.nsj.gov.ua/files/15296531171517493988 % D0% 97% D0% B1% D1% 96% D1% 80% D0% BD% D0% B8% D0% BA% 20% D1% 80% D1% 96% D1% 88% D0% B5% D0% BD % D1% 8C% 20% D0% 84% D0% A1% D0% 9F% D0% 9B\_30.01.2018% 20% D0% BD% D0% B0% 20% D1% 81% D0% B0% D0% B9% D1 % 82.pdf

To use the latest version of regulations, it is advisable to use the appropriate analytical information and legal systems or freely available resources on the Internet at http://rada.gov.ua/, http://nau.kiev.ua/ and others.

Judicial practice for filling in the application form to the European Court of Human Rights can be found in the Unified Register of Judgments on the Internet at http://reyestr.court.gov.ua/.

# Policy and control

# Course policy (educational component)

Attendance at lectures and seminars is mandatory.

Rules of conduct in the classroom: activity, high level of training and discipline.

Lectures are given in the form of presentations, can be conducted using the method of professional discussion. In this case, students can be provided in advance with materials for preliminary processing for further discussion (professional discussion) during the lecture. In preparation for the lecture, the student must process the previously provided materials.

Practical classes are held in the form of discussions (surveys). Students can be given tasks (practical tasks) to work on in practice. In preparation for the practical lesson, the student must study the lecture material on a particular topic, prepare for the questions submitted for independent study. It is desirable to get acquainted with additional resources in the network. If you have questions, identify unclear provisions, it is necessary to discuss them with the teacher. Active student participation in practical classes will be required. 60% of the student's rating is work on a practical lesson.

In lectures and practical classes, the use of laptops and smartphones is allowed only for the study of regulations.

It is recommended to retake the missed seminar in a maximum of a couple, as the development of further material is associated with an understanding of previous topics.

Penalty points are provided for retaking the seminar (more than 2 weeks after the missed seminar). Penalty point: - 1 point.

It is recommended to re-submit the missed case in a maximum of a couple, as the development of further material is associated with understanding the previous cases.

Penalty points are provided for the delivery of the case task later than the deadline. Penalty point: -1 point.

In case of passing two identical cases, such works will be returned for completion or students will receive a low score for completed tasks.

Distance Learning

Synchronous distance learning using video conferencing platforms and a distance learning educational platform at the university is possible.

Lectures and oral seminars will be conducted using common technical means (including Zoom or Google Meet technologies). Relevant links will be mailed to the group.

Written assignments, cases and modular control work will be performed in writing, including on the Classroom platforms, or via e-mail (depending on the form of the lesson and the content of the assigned tasks).

The policy and principles of academic integrity are defined in Section 3 of the Code of Honor of the National Technical University of Ukraine " Igor Sikorsky Kyiv Polytechnic Institute". Details: https://kpi.ua/code.

# Types of control and rating system for assessing learning outcomes

**Calendar control:** conducted twice a semester as a monitoring of the current state of compliance with the requirements of the syllabus. The amount of points required for the certification will be calculated in accordance with the maximum number of points that the student could score during the study (for example, if at the moment you had the opportunity to score 30 points, 1 certification is issued subject to gaining 15 points, if at the time issuance of 2 attestations was an opportunity to score 60 points - certification is issued on condition of gaining 30 points).

**Semester control: test.**

**Evaluation and control measures.**

The student's rating in the discipline consists of points obtained for: answers and additions to the answers of other students in the discussion in seminars, case studies, modular control work in the form of filling out a form (application) to the ECtHR.

**Each seminar is evaluated in 5 points, where**:

5 points - "excellent" - the student demonstrates a strong knowledge of the material in a given amount, gives a reasonable answer.

4 points - "good" - the student admits insignificant inaccuracies.

1-3 points - "satisfactory" - the student has mastered the basic theoretical material, but admits significant inaccuracies, can not properly answer clarifying questions.

0 points - "unsatisfactory" - the student gives the answer in essence; extremely limited response.

The teacher evaluates the student's work in each practical lesson, scoring for him after the practical lesson in the electronic Campus system.

**Each case is evaluated in 5 points, where:**

5 points - "excellent" - the student has fulfilled all the requirements specified in the Syllabus for the case, the student demonstrates a complete, sufficient knowledge of the material; the necessary level of skills and abilities for the correct decision of the offered situational exercises; consistently and reasonably answers questions, referring to the practice of the ECtHR.

4 points - "good" - the student does not sufficiently substantiate his position, understands the content of situational exercises, but makes insignificant mistakes in solving them;

1-3 points - "satisfactory" - the student completed the case, but made significant mistakes in the execution of the case, in particular, did not disclose the essence of the problem; the task does not contain relevant references to the case law of the ECtHR and borrowed aspects;

0 points - "unsatisfactory" - no case or its implementation is not in fact.

The teacher evaluates the student's work for the case within one week, which is calculated from the first day after the deadline for submission of the case. Accordingly, during the specified period, the points will be displayed in the electronic Campus system.

**The case can be evaluated at 10 points, depending on its complexity. The assessment of the case will be reported by the teacher before the case is submitted for processing.**

**Modular control work in the form of filling in the form (application) to the ECtHR is evaluated at 15 points, where:**

15-13 points - "excellent" (task performance, respectively, from 80% to 100%);

12-8 points - "good" (task performance, respectively, from 60% to 80%);

7-4 points - "satisfactory" (task performance, respectively, from 45% to 60%);

3-1 points - "unsatisfactory" (task performance, respectively, from 0% to 45%);

**Based on the size of the scale RD = 60 (seminars) + 25 (cases) +15 (MCW) = 100 points.**

If the number of seminars is reduced due to objective reasons, the number of points for the MCW will be increased. Such circumstances will be agreed in advance and explained to the students.

Additional points are provided for writing abstracts / articles (10 points) and taking courses on platforms such as Prometheus (10 points).

The student may appeal the teacher's assessment by submitting a complaint to the teacher no later than the next day after the student is acquainted with the teacher's grade. The complaint will be considered according to the procedures established by the university.

During the semester, the student has the opportunity to score all 100 points and get a grade "automatically" without passing the test.

A student who received less than 60 points - passes the test. Tolerance - 30 points (mandatory MCW). A student who received more than 60 points during the semester, but wants to improve his score, can pass the test. The test will take place orally.

Table of correspondence of rating points to grades on the university scale:

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| --- | --- |
| *Number of points* | *Score* |
| 100-95 | Excellent |
| 94-85 | Very good |
| 84-75 | Good |
| 74-65 | Satisfactorily |
| 64-60 | Enough |
| Less than 60 | Unsatisfactorily |
| Admission conditions are not met | Not allowed |

**Folded** Doctor of Law, Professor, Professor of the Department of Economic and Administrative Law, Oleksiy Kravchuk,

lecturer of the Department of Economic and Administrative Law, Anastasiia Kukharchuk

**Approved** by the department \_\_\_\_\_\_\_\_\_\_ (protocol № \_\_\_ from \_\_\_\_\_\_\_\_\_\_\_\_)

**Approved** by the Methodical Commission of the faculty (protocol № \_\_ from \_\_\_\_\_\_\_)